

IN RE: PETITION FOR ZONING VARIANCE
S/S Joppa Road, 300' E. of the
c/l of Snyder Lane
(5 King's Place)
11th Election District
5th Councilmanic District
King's Place Joint Venture and
Festival Homes, Inc. -
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-494-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback to the tract boundary of 28 feet in lieu of the required 30 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The petitioners, by Kenneth Colbert and Leslie Rock, Partners of Festival Homes, General Partner, appeared, testified and were represented by Robert J. Puoco, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 5 Kings Place, consists of 0.16 acres zoned D.R. 5.5 and is presently unimproved. Said property is also known as Lot 7 of King's Place, a nine-lot subdivision located in the 4500 Block of Joppa Road. Petitioners are desirous of developing the subject property with a house consistent in size with other houses in the development, however, due to the unique shape of the property, the requested variance is necessary. Testimony indicated that the variance is needed only as a result of the encroachment of a 2-foot overhang on the second floor of the proposed dwelling. Mr. Colbert, Professional Civil Engineer, testified in detail as to the efforts made by Petitioners to develop the property in strict compliance with the zoning regulations. Testimony indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of August, 1990 that the Petition for Zoning Variance to permit a side yard setback to the tract boundary of 28 feet in lieu of the required 30 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 2 -

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

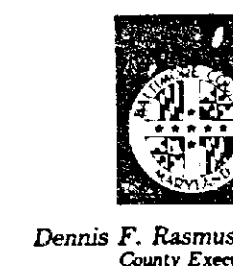
AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(801) 887-3333

J. Robert Haines
Zoning Commissioner

August 20, 1990



Robert J. Puoco, Esquire
North Arundel Plaza, Suite 203
7477 Baltimore-Annapolis Boulevard
Glen Burnie, Maryland 21061

RE: PETITION FOR ZONING VARIANCE
S/S Joppa Road, 300' E. of the c/l of Snyder Lane
(5 King's Place)
11th Election District - 5th Councilmanic District
King's Place Joint Venture, et al - Petitioners
Case No. 90-494-A

Dear Mr. Puoco:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Kenneth J. Colbert, Festival Homes, Inc.
115 Sudbrook Lane, Suite 205, Baltimore, Md. 21208

People's Counsel

File

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-494-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 90A (GMDP, V.B. 5.5-B) to allow a (side) setback to the tract boundary of 28 ft. in lieu of the required 30 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Due to shape of the lot sufficient distance is not available to maintain the required setback for a house consistent in size with other houses in the area.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
King's Place Joint Venture
(Type or Print Name)
Signature
Festival Homes, Inc., Gen'l Part.
Address
Kenneth J. Colbert, Sec/Treas.
City and State

Attorney for Petitioner:
Robert J. Puoco
(Type or Print Name)
Address
Phone No.
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of August, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of August, 1990, at 2:30 o'clock P.M.

RECEIVED FOR FILING
DATE 8/22/90
REVIEWED BY J. Robert Haines
DATE 8/22/90

ZONING DESCRIPTION

Beginning at a point on the South side of Joppa Road (60 feet wide) a distance of 250 feet, more or less, from the centerline of Snyder Lane. Being Lot 7 in the subdivision of King's Place as recorded in Baltimore County Plat Book 55, Folio 136, containing 0.16 acres. Also known as #5 Kings Place and located in the 11th Election District.



032790.1t7

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland

District 11th Date of Posting 7/19/90
Posted for: variance
Petitioner: King's Place Joint Venture, Festival Homes, Inc.
Location of property: S/S Joppa Rd. 300' E. of Snyder Lane
Location of Sign: 11th Election District, 5th Councilmanic District
Remarks: Property of J. Puoco, Esq. and Festival Homes, Inc.
Posted by: AMN:bjs Date of return: 7/19/90
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Townson, Maryland 21204

Account: R 0016120
Number

receipt
No 1887

Date

8/27/90

PUBLIC HEARING FEE \$11.00
ZONING VARIANCE FEE \$35.00
TOTAL \$46.00

B 8C44*****356078 226.7

Cashier Validation

Please make checks payable to Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 31, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 31, 1990

THE JEFFERSONIAN,

S. Zeke Orlean
Publisher

CERTIFICATE OF PUBLICATION

June 5, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 31, 1990.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Orlean
Publisher

Baltimore County
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3353

Receipt

Re: 90-494-A

Date: May 9, 1990

Amount: \$103.46

Check No. 3046

Cashier Validation: Please make checks payable to Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: May 9, 1990

King's Place Joint Venture
Festival Homes, Inc.
115 Sudbrook Lane
Baltimore, Maryland 21208

Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
CASE NUMBER: 90-494-A
S/S Joppa Road, 300' E of c/l of Snyder Lane, plus 145' S of Joppa Road
Lot #7 - #5 Kings Place
11th Election District - 5th Councilmanic
Petitioner(s): King's Place Joint Venture/Festival Homes, Inc.
HEARING: FRIDAY, JULY 27, 1990 at 2:00 p.m.

Gentlemen:

Please be advised that \$103.46 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE OWNER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: Robert J. Fuoco

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

CONFIRMING

May 31, 1990

Dennis F. Rasmussen
County Executive

NOTICE OF REASSIGNMENT

Case #(s): 90-493-A and 90-494-A

Petitioner(s): King's Place Joint Venture/Festival Homes, Inc.

THE ABOVE MATTER HAS BEEN REASSIGNED.

THE HEARINGS WILL NOW TAKE PLACE AS FOLLOWS:

FRIDAY, JULY 27, 1990 at 9:30 a.m.

BALTIMORE COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

JRH:gs
Copies:
Robert J. Fuoco, Esq.
Petitioner(s)

Re: Case Numbers: 90-493-A, 90-494-A, and 90-495-A

Matters postponed due to conflict with Mrs. Nastarowicz's schedule. Her docket is presently loaded with matters unable to be heard by JRH, making her next available date July 25, 1990.

These cases may be set before either hearing Officer and, therefore, have been reset for JRH on the next available docket date - July 10, 1990.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 9, 1990

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-494-A
S/S Joppa Road, 300' E of c/l of Snyder Lane, plus 145' S of Joppa Road
Lot #7 - #5 Kings Place
11th Election District - 5th Councilmanic
Petitioner(s): King's Place Joint Venture/Festival Homes, Inc.
HEARING: FRIDAY, JUNE 29, 1990 at 9:30 a.m.

Variance: To allow a (side) setback to the tract boundary of 28 feet in lieu of the required 30 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
cc: King's Place Joint Venture
Robert J. Fuoco

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 18, 1990

Robert J. Fuoco, Esquire
North Arundel Plaza, Suite 203
7477 Baltimore Annapolis Blvd
Glen Burnie, MD 21062

Dennis F. Rasmussen
County Executive

RE: Item No. 333, Case No. 90-494-A
Petitioner: King's Place Joint Venture
Petition for Zoning Variance

Dear Mr. Fuoco:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Kenneth J. Colbert
King's Place Joint Venture
115 Sudbrook Lane, Suite 205
Baltimore, MD 21208

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this 8th day of May, 1990.

J. Robert Haines
ZONING COMMISSIONER

Received By:
Chairman,
Zoning Plans Advisory Committee

Petitioner: King's Place Joint Venture
Petitioner's Attorney: Robert J. Fuoco

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: King's Place Joint Venture, Item 333

DATE: April 26, 1990

The Petitioner requests a Variance to tract boundary setback requirements. In reference to this request, staff offers the following comments:

- No adverse impact is expected from the 28 ft. building to tract boundary setback request. The Petitioners, however, should provide information regarding the exact placement of windows on the building in order to ensure that the window to tract boundary setbacks are in compliance with the zoning regulations.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

MAY 11 1990

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(410) 887-3554



Dennis F. Rasmussen
County Executive

May 24, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 332, 333, 354, 359, 362, 363, 364, 365, 366, 367, 369, 370, 371, and 372.

Very truly yours,

Michael S. Planigan
Michael S. Planigan
Traffic Engineer Associate II

MSF/lvw

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 11, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for May 8, 1990

The Developers Engineering Division has reviewed the subject revised zoning items and we have no comments for Items 332, 333, 354, 362, 363, 365, 369 and 370.

For Items 367, the previous County Review Group Comments still apply.

For Item 368, 2-foot setback for parking is inadequate for vehicle overhand against State Highway Administration fence.

For Item 364, the address on the plot is #2400 for Lot 53.

For Item 366, the correct plot reference is SM 56/138.

For Items 371 and 372, no plans were received for review and comment.

For 89-483A, we have no comment.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: J. Robert Haines, Z.C.
Ann Nastarowicz, D.Z.C.

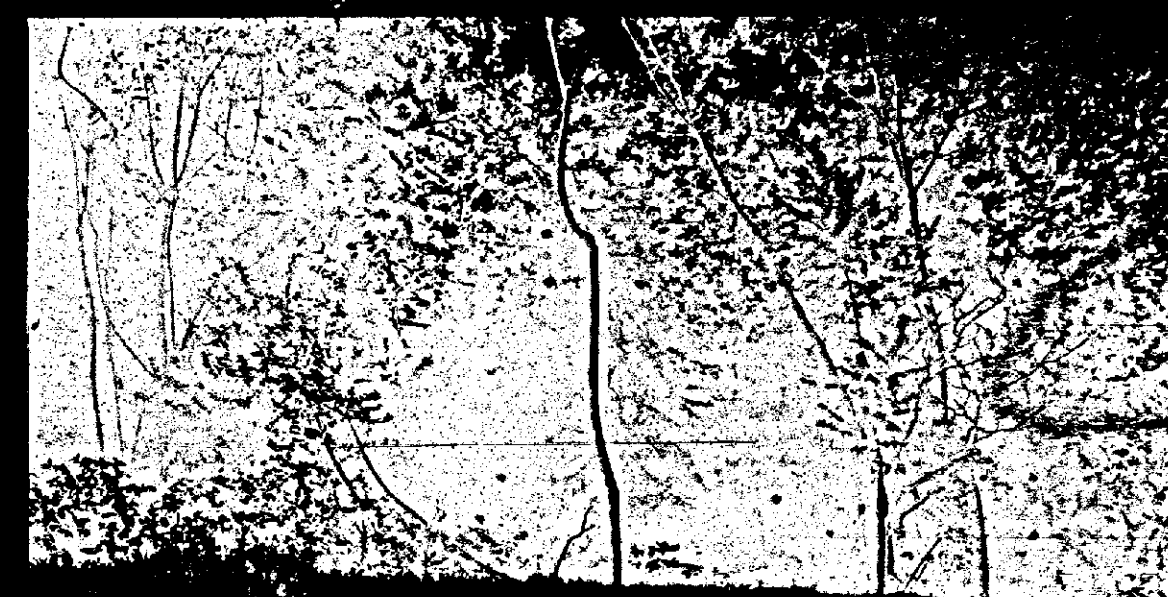
DATE: April 23, 1990

FROM: John J. Sullivan, Jr.
Planner II

SUBJECT: Delay of Petition No's. 332 & 333

These two petitions were inadvertently accepted on March 27, 1990 without benefit of an attorney's address, phone number, and signature. On April 6th, I informed the applicant (an engineer) Ken Colbert. On April 16th, I received a call from William Monk and explained the requirements to him. On April 18th, Ken Colbert took the petition forms and returned them to me with the proper information on April 20th.

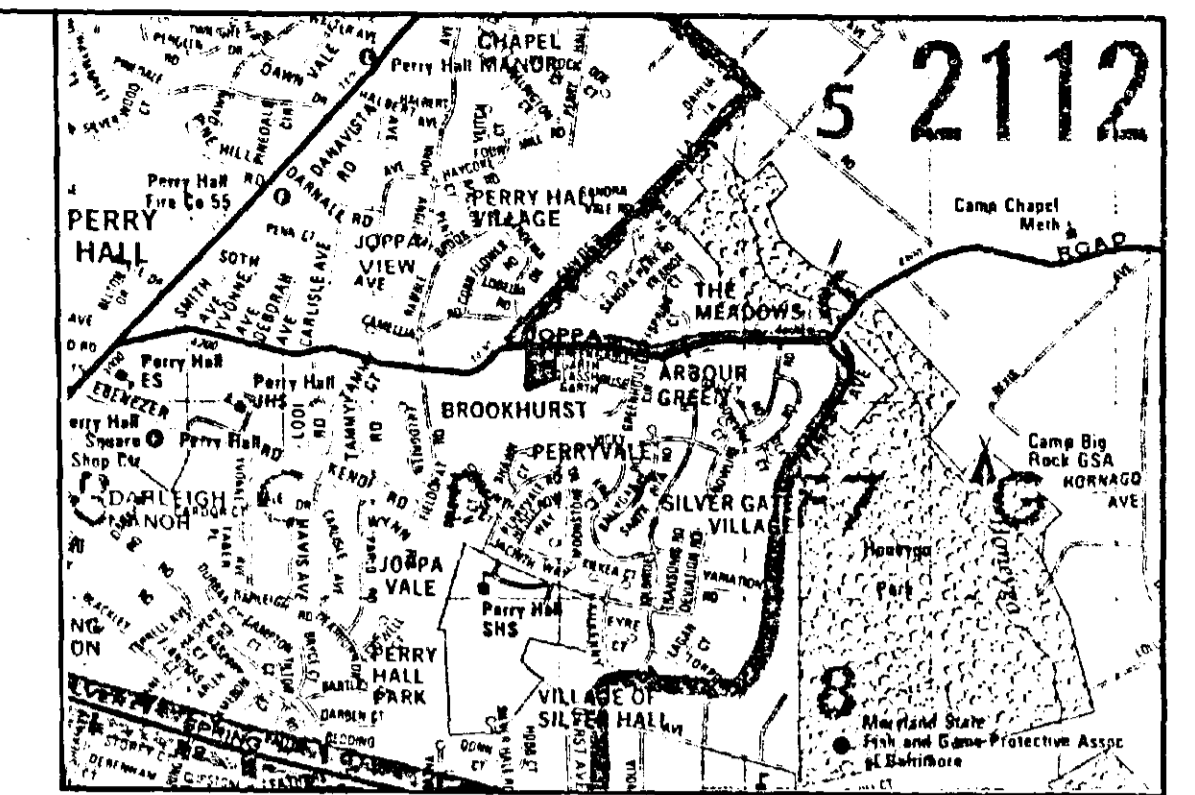
JJS/jat



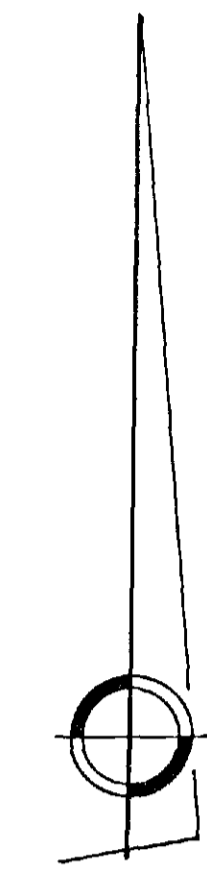
LOT 7
VIEW FROM RIGHT REAR HOUSE CORNER LOOKING SOUTH



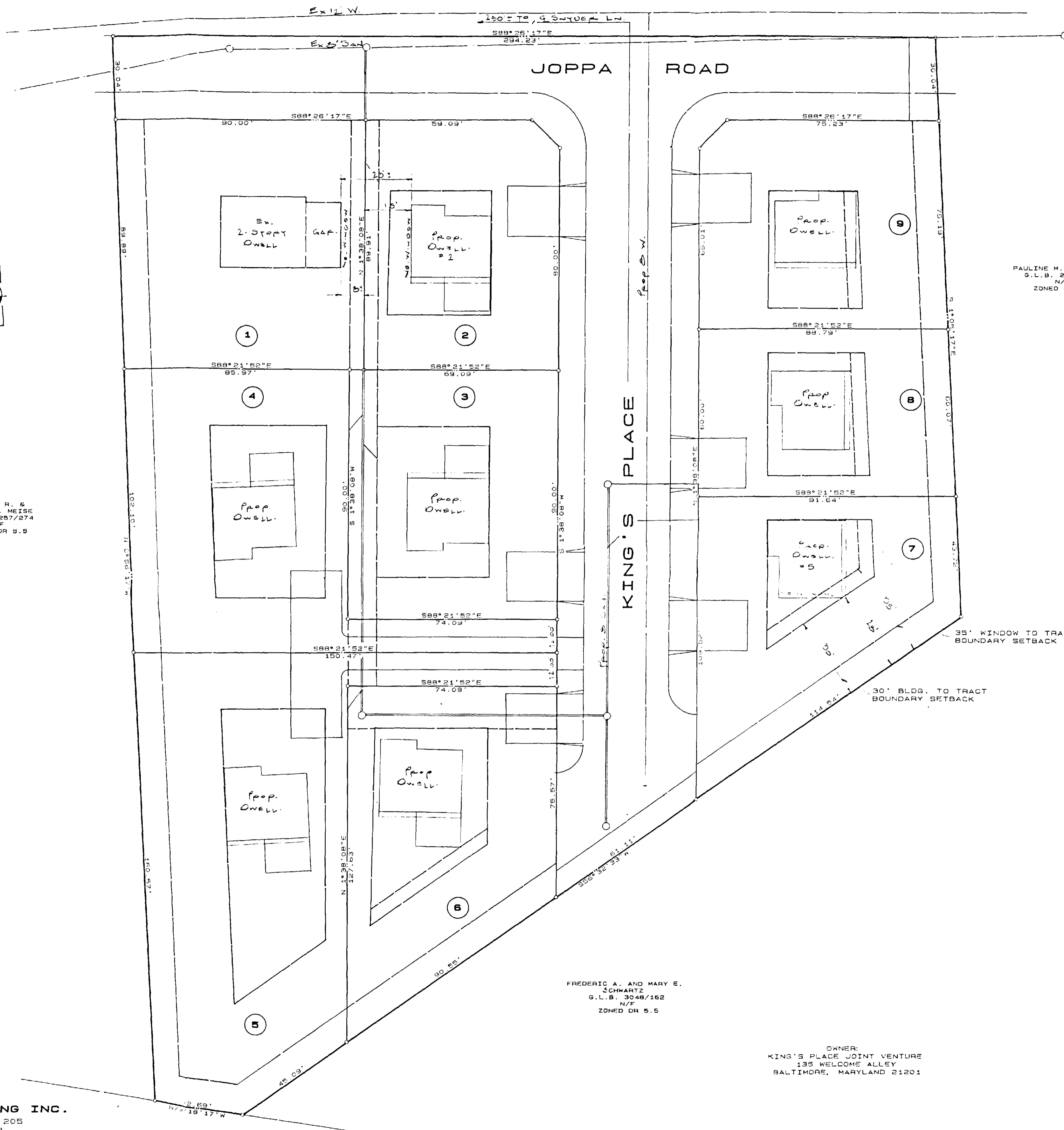
LOT 7
VIEW FROM RIGHT REAR HOUSE CORNER LOOKING EAST



LOCATION MAP: SCALE: 1" = 2000'



ALBERTA R. &
GEORGE J. MEISE
G.L.B. 3287/274
N/F
ZONED DR 5.5



PAULINE M. SCHWARTZ
G.L.B. 2897/285
N/F
ZONED DR 5.5

GENERAL NOTES:

AREA OF OVERALL TRACT.....2.09 AC.
AREA OF LOT 2.....0.14 AC.
AREA OF LOT 7.....0.16 AC.
EXISTING ZONINGDR 5.5

VARIANCE NO. 1:

LOT 2, #2 KING'S PLACE

VARIANCE TO SECTION 1801.C.1 AND CMOP SECTION V.B.3 TO PERMIT CONSTRUCTION OF A DWELLING 15 FEET FROM AN ADJACENT DWELLING IN LIEU OF THE REQUIRED 10 FEET.

VARIANCE NO. 2:

LOT 7, #5 KING'S PLACE

VARIANCE TO SECTION V.B.5.D OF THE CMOP TO PERMIT CONSTRUCTION OF A DWELLING 10 FEET FROM THE TRACT BOUNDARY IN LIEU OF THE REQUIRED 15 FEET.

90.494-A

PLAN TO ACCOMPANY
ZONING VARIANCE HEARING
FOR LOT 2 AND LOT 7

KING'S PLACE

S.W. 85/156
11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 80' DATE: MARCH 15, 1990

**PETITIONER'S
EXHIBIT 4**

FREDERIC A. AND MARY E.
SCHWARTZ
G.L.B. 3048/162
N/F
ZONED DR 5.5

OWNER:
KING'S PLACE JOINT VENTURE
135 WELCOME ALLEY
BALTIMORE, MARYLAND 21201



COLBERT ENGINEERING INC.
115 SUDBROOK LANE, SUITE 205
BALTIMORE, MARYLAND 21208
PHONE: (301) 653-3838